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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,990	11/24/2003	David G. Peot	10710/213 (PTG 1133 PUS)	3383
757	7590	10/26/2005	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER
			3724	
DATE MAILED: 10/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/720,990	Applicant(s) PEOT ET AL	
	Examiner Ghassem Alie	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/09/04 & 06/23/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election of invention in Group I (claims 1-15) on 08/24/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 16-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the disengagement of the motor from the cutting tool upon detection of conditions as set forth in claim 1 and the disengagement of the arbor from the motor when the cutting tool is retracted as set forth in claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
4. The drawings are objected to under 37 CFR 1.83(a) because they fail to show that the motor is disengaged from the cutting tool upon the detection of the conditions as described in the specification. See page 1, lines 20-24 in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "114" is not shown in the drawings. See page 5, line 8 in the specification.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The specification is objected to under 37 CFR 1.71 because it is not clear to one ordinary skill in the art how the end cutting edges of the two axially cutting knives are directed toward one another. The specification does not at all disclose how the motor which drives the cutting tool disengages from the cutting tool upon detection of conditions. It

appears that the shaft 144 of the motor is connected to the arbor 152 at all time including the time that the cutting tool 150 is in retracted position. See Fig. 6 in the drawings.

7. The disclosure is objected to because of the following informalities:

Page 5, line 19, "the motor shaft 142" should be --a motor shaft 142--.

Page 5, line 26, "a swing arm 160" should be --the swing arm 160--.

Page 6, lines 26 and 27, "a first end 160" should be --a first end 162--.

Page 8, line 3, "A riving knife 120" should be --The riving knife 120--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claims 1 and 10, the disclosure fails to teach how the motor, which drives the cutting tool, disengages from the cutting tool upon detection of one or more conditions. The disclosure also fails to teach how arbor is out of driving engagement with the motor when the cutting tool is retracted. In fact, it appears that the shaft 144 of the motor is connected to the arbor 152 at all time including the time that the cutting tool 150 is in retracted position. See Fig. 6 in the drawings and page 1, lines 15-27 in the specification.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

Obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negative by the manner in which the invention was made.

10. Claim 1-15, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre in view of Gass et al. (2002/0020265), hereinafter Gass, in view of Ambrosio et al. (3,013,592), hereinafter Ambrosio. Regarding claim 1, Gass teaches a table saw 1181 including a motor driving a movable cutting tool 40 for cutting workpieces in a cutting region. Gass also teaches a detection system 26 adapted to detect one or more dangerous conditions. Gass also teaches a reaction system 24 associated with the detection system and the cutting tool 40 wherein the reaction system 24 is configured to retract the cutting tool at least partially away from the cutting region. Gass also teaches that the tool upon detection of at least one of one or more conditions by the detection system. See Figs. 5-15 and paragraphs 55-75 in Gass. Gass does not explicitly disclose that the cutting tool retracts independently of the motor and the motor is disengaged from the cutting tool. However, Ambrosio teach a table saw including a motor 11 driving a movable cutting tool 10. Ambrosio also teaches that the cutting tool retracts partially away from the cutting region independently of the motor. It should be noted that the knob 44 and screw shaft 39 lift and lower the casing member 26 independently from the motor 11. It should also be noted that if the cutting tool 10 is lowered a certain distance away from the cutting region, the motor will be disengaged from the cutting tool, since the tension of belt 35 significantly will be reduced.

See Figs. 1-3 and col. 2, lines 57-65 in Ambrosio. It would have been obvious to a person of ordinary skill in the art to provide Gass' table saw with the driving mechanism that drives the cutting tool without being engaged with the mechanism that vertically moves the cutting tool, as taught by Ambrosio, in order to reduce the mass of the cutting tool and facilitated vertical movement of the cutting tool.

Regarding claim 2, Gass teaches everything noted above including that the one or more conditions is a proximity between a person and the cutting tool. See paragraphs 49-52 in Gass.

Regarding claims 2-7, Gass, as modified by Ambrosio, teaches everything noted above including that the motor 11 indirectly drives the cutting tool 40, a belt 35, as taught by Ambrosio, to drivingly connect the motor with the cutting tool 10, and a turnion 12 that carries the motor and the cutting tool. See Fig. 5 in Gass and Figs. 1-3 in Ambrosio. Gass, as modified by Ambrosio, also teaches that the turnion has a first side, a second side and wherein the cutting tool is mounted on the first side and the motor is mounted on the second side. Gass, as modified by Ambrosio, also teaches that a motor shaft extending from the motor to the first side of the turnion 12, an arbor carrying the cutting tool 40, and a drive 35 connecting the arbor and the shaft. See Figs. 5-8 in Gass and Figs. 1-3 in Ambrosio.

Regarding claims 8, Gass, teaches everything noted above including that the arbor is movable with respect to a top of the turnion 12. See Figs. 5-8 Gass.

Regarding claim 9, Gass, as modified by Ambrosio, teaches everything noted above including that the arbor is in a driving engagement with the motor when the arbor is in a first position such that the cutting tool 10 is in cutting region. See Figs. 1-3 in Ambrosio.

Regarding claim 10, Gass, as modified by Ambrosio, teaches everything noted above including the arbor is out of driving engagement with the motor when the cutting tool 10 is retracted. See Figs. 1-3 in Ambrosio.

Regarding claim 11, Gass teaches everything noted above including a swing arm 1182 pivotally connected to the first side of the turnion near a front of the turnion wherein the swing arm 1182 has a first end and a second end such that the swing arm pivots about the first end. See Figs. 5-8 in Gass.

Regarding claim 12, Gass, as modified by Ambrosio, teaches everything noted above including that the swing arm moves independently of the motor. See Figs. 5-8 in Gass and Figs. 1-3 in Ambrosio.

Regarding claim 13-15, Gass teaches everything noted above including a restraining mechanism 1199 associated with the first side of the turnion and the second end of the swing arm 1182, wherein the restraining mechanism provides a force to retain the cutting tool in the cutting region. Gass also teaches an actuator 1183 to act on the second end of the swing arm with a force sufficient to overcome the force provided by the restraining mechanism. Gass also teaches a stop 1210 provided on the first side of the turnion such that the swing arm 1183 is in contact with the stop when the when the cutting roll is retracted. See Fig. 8 in Gass.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Locky (3,785,230), Muehling (4,276,799), Benuzzi (4,334,450), Grierson (2,505,958),

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Speck (5,219,011), and Weissman (4,885,965), Gjerde (2,719,547), and Edgemon JR. et al. teach a table saw.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501.

The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).



KENNETH E. PETERSON
PRIMARY EXAMINER

GA/ga

October 20, 2005